REMARKS

Reconsideration of the present application is respectfully requested. In the Final Office Action mailed on February 15, 2006, claims 34-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,072,489 to Gough et al ("Gough"). Claims 34, 39 and 40 have been canceled without prejudice. Claim 35 has been amended to incorporate the subject matter of dependent claims 39 and 40. No new claims have been added. Claims 35-38 and 41-59 are pending in the subject application, of which claims 35, 43 and 50 are independent claims.

Applicant would like to thank Examiner Nguyen for the telephone interview on March 20, 2006. The interview was initiated by Applicant's representative to discuss the status of the present application. Specifically, independent claims 35, 43 and 50 and Gough were discussed. Claim 35 has been amended to include the limitations of dependent claims 39 and 40, as suggested by the Examiner, to make the claim allowable over Gough. With respect to claim 43, Applicant explained during the interview, not only why Gough fails to anticipate the claim 43, but how Gough actually teaches away from the claimed method. Finally, Applicant pointed out during the interview that the Gough reference fails to teach or suggest at least two limitations of Claim 50: variable translucency and creating an animation.

In the Final Office Action, claims 34-59 were rejected over the Gough patent under 35 U.S.C. § 102(b). Gough discloses a method and apparatus for providing translucent images on a computer display. A first application program produces a base image, and another application program (referred to as the "overlay program") produces a translucent image such that portions of the base image which are overlapped by the overlay image are at least partially visible through the

transparent/overlay image. Gough also discloses conducting image operations either on the base image (with reference to the transparent image) or on the transparent image (with reference to the base image). A method is also disclosed for blending first video data and second video data to produce a blended image on the screen assembly.

As discussed during the interview, independent claim 35 has been amended to include "wherein the blending step includes attributing an opaqueness value to at least the first window; and wherein the opaqueness value is an integer having values between approximately 0 and 255." Clearly, Gough does not teach these claim limitations, so amended claim 35 is patentable over Gough.

Claims 36-38 and 41-42 depend either directly or indirectly from independent claim 35 and are thus patentable over the prior art for at least the same reason as claim 35. Therefore, the pending rejection of claims 35-38 and 41-42 under § 102(b) should be withdrawn.

Independent claim 43 is directed to a method of providing and selecting two or more objects on the display, the method requiring in part: "receiving a user selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects; and processing the user selection as indicative of a selection of the underlying portion of the second object." The Final Office Action cites to column 19, lines 20-30 of Gough, which discloses "another window can be activated merely by user selection in positioning the cursor over the window or image and clicking on the mouse." However, Gough fails to disclose processing a user selection of the overlapping portion of first and second objects as a selection of the underlying portion of the second object. Moreover, Figure 17 and the corresponding text at column 18, lines 31-46 of Gough teach away from the concept of selecting the underlying image or object by selecting the overlapping

portion of the objects. Step 424 of Gough's Figure 17 determines whether the cursor is within the bounds of the overlay image. If so, then the selection is deemed to be the overlay image. By contrast, the method of claim 43 would arrive at the opposite result (i.e., that the underlying image has been selected) when the cursor selection occurs in the overlapping portion of the overlay image. Thus, in contrast to claim 43, Gough teaches a different solution that achieves a different result. Consequently, claim 43 is patentable over Gough.

Claims 44-49 depend either directly or indirectly from independent claim 43 and are thus patentable over the prior art for at least the same reason as claim 43. Furthermore, dependent claim 46 is separately patentable over Gough because it requires "attributing an opaqueness value." Dependent claim 47 is also separately patentable over Gough because it further requires "the opaqueness value is an integer having values between approximately 0 and 255." Therefore, the pending rejection of claims 43-49 under § 102(b) should be withdrawn.

Independent claim 50 is directed towards a method of animating window objects on the display, including the limitations of "attributing the window object a variable translucency" and "varying the translucency of the window object to create an animation of the window object." The Final Office Action, at pages 5 and 7-8, states that the subject matter of claim 50 is taught in Figures 16-17 and column 18, lines 18-67. However, Gough does not disclose either "variable translucency" or creating "an animation of the window object" anywhere in its specification. Consequently, the assertion in the Final Office Action that Gough anticipates claim 50 is not supportable because Gough fails to disclose or even suggest at least two limitations of the claim. Accordingly, claim 50 is patentable over Gough.

Claims 51-59 depend either directly or indirectly from independent claim 50 and are thus

patentable over the prior art for at least the same reason as claim 50. Furthermore, dependent claim 54 is separately patentable over Gough because it requires "attributing an opaqueness value." Dependent claim 55 is also separately patentable over Gough because it further requires "the opaqueness value is an integer having values between approximately 0 and 255." Therefore, the pending rejection of claims 50-59 under § 102(b) should be withdrawn.

CONCLUSION

For the reasons stated above, pending claims 35-38 and 41-59 are patentable over the prior art of record. Withdrawal of the pending rejection is respectfully requested. There being no further objections or rejections, it is submitted that the application is now in condition for allowance, which action is respectfully requested. If there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters. The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

/Patrick A. Lujin/

Patrick A. Lujin
Reg. No. 35,260

PAL/SLM
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550